

REMARKS

Amendments to the Claims

Claim 1 has been amended without prejudice to recite preferred embodiments of applicants' invention that are more clearly differentiated from the prior art of record. Specifically:

- the preamble has been expanded to emphasize the shopping environments where the usage of the system is particularly advantageous, namely, when the average orders include multiple products, repeated purchases (both of the same items and at the same store) and/or when there is a relatively high frequency of ordering (i.e., shopping) as is disclosed on page 15, line 23 to page 16 line 20 of the specification.

- the prediction means (c1) now includes the limitation that it must employ "a calculation method suitable for predicting orders involving multiple goods" which is consistent with the teachings of page 3, lines 12-16, the illustration in Table 1 (page 7) and the exemplary calculation disclosed on pages 12 and 13, and the summary statement on page 14, lines 13-16.

- the suggested order referred to in (c1) now specifies the limitations that it "includes more than 5 different products and/or at least 25% of goods in the order have previously been purchased one or more times in a 12 month period" and that " the suggested order includes a predicted list of goods which have previously purchase by the client and are likely to be purchased again based on previous shopping behavior; and a suggested list of goods that may be attractive for purchase". These limitations are disclosed on page 15, lines 23-28, page 16, lines 7-20, and page 10, lines 6-16.

Claim 2 has been amended to recite an advantageous method for the electronic shopping for supermarket goods that utilizes the method recited in amended claim 1 as disclosed on page 16, line 30 to page 17, line 5.

Claim 3 has been amended to specify that the order prediction means further provides in-store purchasing advice to clients consistent with the disclosure at page 15, lines 23-28.

Claim 7 has been amended to specify that the suggested order includes 10 to 100 different products and/or wherein more than 50% of goods in the order have previously been purchased one or more times in a 12 month period as disclosed on page 15, lines 26 and page 16, line 10.

New claim 14 specifies that the electronic system recited in the method of claim 2 is used in a supermarket which is supported by the combined teachings on page 2, line 33 to page 3, line 4 and page 17, lines 1-5.

New claim 15 specifies that the order suggested in the method of claim 2 includes 10 to 100 different products and/or wherein more than 50% of goods in the order have previously been purchased one or more times in a 12 month period as disclosed on page 15, line 26 and page 16, line 10.

New claim 16 specifies that the order prediction recited in claim 1 is performed using survival analysis as is disclosed on page 11, line 16 to page 13, line 6.

By this amendment claims 9 and 13 are canceled without prejudice.

Claim Objections

Claims 9 and 13 were objected to as being of improper dependent form. Claims 9 and 13 are canceled rendering the objection moot.

Claims Rejection 35 USC §103(a)

In the Final Office Action mailed September 6, 2007, claims 1-3, 7-9 and 11 were rejected under 35 USC §103(a) as being unpatentable over Burge (US 6, 014,638) in view of Bieganski (US 6,321,221). Applicants respectfully request the Examiner to reconsider this rejection in light of the above amendments and the following remarks.

Burge discloses a system for customizing content and presentation of content for computer users. The system monitors and records a user's navigational choices to determine the user's needs and preferences for subsequent computer displays. Displays are customized in accordance with the user's needs and preferences. A preferred embodiment is an electronic marketing and shopping system accessible via the WWW is described. The shopping environment-including the opportunities presented to the shopper (content) and the appearance of the displays (presentation of content)-is customized according to the shopper's preferences. The functions of data collection and display customization are performed automatically by the electronic shopping system. To customize the environment, various attributes of Web pages or other displays provided by participating merchants are modified as they are accessed by shoppers using the system. (Abstract)

Bieganski discloses a system, method and article of manufacture for generating a serendipity-weighted recommendation output set to a user based, at least in part, on a serendipity function. The system includes a processing system configured to receive applicable data that includes item recommendation data and community item popularity data. The processing system is also configured to produce a set of item serendipity control values in response to the serendipity function and the community item popularity data, and to combine the item recommendation data with the set of item serendipity control values to produce a serendipity-weighted and filtered recommendation output set. The method includes receiving applicable data by the processing system, including inputting item recommendation data and community item popularity data. The method further includes generating a set of item serendipity control values in response to the community item popularity data and a serendipity function, using the processing system, and combining the item recommendation data and the set of item serendipity control values to produce a serendipity-weighted and filtered item recommendation output set, also using the processing system. (Abstract)

In contrast, applicants' system as recited in amended claim 1 is specifically directed to shopping environments that involve the frequent purchase at the same stores of multiple products many of which are repetitively purchased. Put another way Burge and Bieganski provide "buying opportunities" while applicants' system "fills a shopping bag".

In particular amended claim 1 recites at least the following elements that are absent from the combined disclosure of Burge and Bieganski:

- The order generated by the prediction means (c1) contain more than 5 different products (typically 10-100 products - claim 7) and at least 25% of the products (typically

more than 50% - claim 7) in the order have previously been purchased one or more time in a year. The references are silent about the repetitive purchase of multiple products.

- The suggested order that is provided to the client includes two lists: a predicted list of goods which have previously been purchased by the client that are likely to be purchased again based on previous shopping history (of the client); and a suggested list of goods that may be attractive for purchase. The cited references are silent about providing the client with a predicted list of goods which have been purchased previously and are likely to be purchased again.

- Because of the nature of the suggested order, applicants' order prediction means must employ a calculation method (algorithm) that is suitable for predicting orders involving the repeat purchase of multiple goods. Suitable calculation means are enumerated in claim 7 and preferred methods are specified in claim 17. The cited references are silent regarding the requirement that the calculation method must be suitable for predicting orders involving the repeat purchase of multiple goods.

Amended claim 2 recites a method for the electronic shopping for supermarket goods that utilizes the system recited in amended claim 1. Burge is silent about electronic shopping for supermarket goods and the word "supermarket" is not mentioned.

Bieganski mentions supermarket environments at column 18, line 44 – 61, specifically disclosing

"A supermarket (virtual or physical) may provide the preferred recommender system as a way to help customers locate goods and brands of the appropriate quality, as well as introduce users to new consumable items that they will enjoy that they might not have known about before. " and

"Many supermarkets now provide customers with "shopping club" cards to track individual customer purchases, and to provide customer rewards for frequent shopping. Each customer presents her card at the checkout counter to receive discounts, and the checkout register records all of the items that the customer has purchased. This purchase record may be used as a personal profile for the generation of serendipitous recommendations. The supermarket may then provide the customer with incentives to buy the recommended items by mailing coupons to the customer for those items identified in the set of serendipity-weighted and filtered recommendations."

Thus, the supermarket application taught by Bieganski concerns providing buying opportunities to the customer and is not directed to the efficient ordering of supermarket goods involving frequent/repeat purchase of multiple products and does not employ the system recited in applicants' claim 3 to suggest an ordered shopping list.

Claim 14, which specifies that the electronic ordering system is actually used in a supermarket and claim 15, which further limits the number of different products and fractional reorders are even more remote from the combination of Burge and Bieganski.

Since the combination of Burge and Bieganski does not deal explicitly or implicitly with the electronic production of orders involving multiple products, repeat purchases and relatively high frequency of ordering, and does not disclose the key

elements and limitations discussed above, applicants submit that the combined references do not render applicants' claims *prima facie* obvious.

In the Final Office Action mailed September 6, 2007, claims 5, 12 and 13 were rejected under 35 USC §103(a) as being unpatentable over Burge (US 6, 014,638) and Bieganski (US 6,321,221) as applied to claims 1, 2, and 9, further in view of Pyo (US 6,636,836). Applicants respectfully request the Examiner to reconsider this rejection in light of the above amendments and the following remarks.

Pyo was relied upon in the Final Office Action for its disclosure of a system of software components providing a variety of analyzing methods to achieve better predictive results. Pyo further teaches rule-based, regression, collaborative filtering, content filtering, neuron network theory and statistical methods.

Arguments have been presented above why the combination of Burge and Bieganski does not render amended claims 1 and 2 *prima facie* obvious.

Since claims 5 and 12 (claim 13 is cancelled) depend from amended claims 1 and 2 and since Pyo does not disclose key elements and limitation recited in applicants' amended claims that are absent from Burge and Bieganski, the combination of Burge, Bieganski and Pyo does not render applicants' claims 5 and 12 *prima facie* obvious.

In light of the above amendments and remarks, applicants respectfully request that the 103 (a) rejections be reconsidered and withdrawn and that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael P. Aronson", is written over a horizontal line.

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